

In Sakuta (US 2002/0102000), a pasty composition containing a fluorinated non-ionic surfactant with a fluoroalkyl group-containing moiety is described. Emulsification is not disclosed.

Considering the prior art in Sakuta's invention, using the glycerol-modified polyether-modified silicone in the cross-linked organopolysiloxane art would not find a reference into the cross-linked silicone.

As is clear from Examples 1-2 in the present specification, the glycerol-modified cross-linked organopolysiloxane (10, OA) and "application silicone" (Lines 5-15, 11).

In Example 11, the polyglycerol-modified organopolysiloxane exhibits very good mechanical properties (see Specification). However, Examples 11-12 and the present application will be unreasonable.

Furthermore, the evaluation of the present application is unreasonable. However, the evaluation obtained from 50 panels

The Office Action also alleges that "Harai et al. ... adhesiveness" concerning Harai. However, Harai mentions adhesive agent and, therefore, it is completely different from the organopolysiloxane polymer of the present application used for cosmetic material in the way of using, and it is impossible to consider "tack" (adhesiveness) required in cosmetic material which is applied on the human face and "tack" (adhesiveness) required in adhesive agent which bonds physical matters to each other as the same quality. Therefore, the Office Action's allegation described above is not correct.

The adhesive composition of Harai comprises (A) alkenyl group-containing organopolysiloxane, (B) organohydrogenpolysiloxane, (C) wet-method hydrophobicized reinforcing silica, (D) acryl-functional silane coupling agent or methacryl-functional silane coupling agent, (E) epoxy-functional silane coupling agent and (F) partial allyl ether of multivalent alcohol as an essential component.

In the present claims, none of the above components (A), (C), (D) and (E) are used for synthesizing the organopolysiloxane polymer. In Harai's invention, even though diglycerol diallyl ether is used as the component (F), the reaction product of these components is a structurally complicated cross-linked type compound, which shows clearly that Harai never suggests the organopolysiloxane polymer of the present claims.

The Office Action further alleges that "applicant's claim ... or method steps" (Lines 10~14, Page 11, OA). However, "An organopolysiloxane polymer ... of a liquid oil ..." is described in present Claim 2. In the present Claim 2, "containing..." mentions only properties of organopolysiloxane polymer after "which can swell" and, in fact, the organopolysiloxane polymer of the present Claim 2 does not contain an oil. Therefore, "containing" in the present Claim 2 is not used as "transitional term."

In addition, it is unreasonable in this art to allege that components added for bonding physical matters to each other are useful for cosmetic material applied to human faces.

Furthermore, since adhesive agents are used to bond physical matters together in the reference, one of ordinary skill in the art would rather stay away as swelling-up of cured material by containing oil is a physical property not desired in an adhesive agent.

Reconsideration is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/Csaba Henter/

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Csaba Henter, Reg. No. 50,908  
Attorney for Applicants

MILLEN, WHITE, ZELANO  
& BRANIGAN, P.C.  
Arlington Courthouse Plaza 1  
2200 Clarendon Boulevard, Suite 1400  
Arlington, VA 22201  
Direct Dial: 703-812-5331  
Facsimile: 703-243-6410  
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